

**NOTICE OF COMPLAINT PROPOSING TO ASSESS A CIVIL PENALTY  
AND OPPORTUNITY TO REQUEST A HEARING THEREON**

U.S. Environmental Protection Agency  
Region III, Water Protection Division  
1650 Arch Street  
Philadelphia, PA 19103-2029

**PUBLIC NOTICE NUMBER:** PO2-101-GC  
**PUBLIC NOTICE ISSUE DATE:** 6 JANUARY 2000

In accordance with Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. Section 1319(g), notice is hereby given that the U.S. Environmental Protection Agency (EPA) is proposing an administrative civil penalty against the Respondent named below:

**RESPONDENT:** The Catenary Coal Co., Inc., (Respondent) operates the Campbells Creek Complex and discharges treated water from the Complex, the abandoned Campbells Creek No. 2 deep mine and the haulroad area covered by SMCRA permit H-42 (collectively the "Facility") under NPDES permit WV0052426. The Facility discharges into unnamed tributaries of Pointlick Fork and Spruce Hollow, Pointlick Fork and Spruce Hollow of Campbells Creek, and Campbells Creek of the Kanawha River

**SUMMARY OF VIOLATIONS:** Respondent is alleged to have violated the Clean Water Act and NPDES Permit WV0052426 by violating water quality standards and by discharging pollutants in amounts in excess of the NPDES permit's effluent limitations.

**PROPOSED ADMINISTRATIVE PENALTY:** As a result of the above, EPA Region III proposes to assess a Class II administrative civil penalty of \$33,000 pursuant to Section 309(g) of the CWA, 33 U.S.C. Section 1319(g).

**OPPORTUNITY TO COMMENT ON PROPOSED PENALTY ASSESSMENT:** Persons wishing to comment on the amount or basis of the proposed penalty are invited to submit a statement to the EPA Regional Administrator, attention of the Regional Hearing Clerk (address below), within thirty (30) days of the date of this public notice. All comments received within this thirty (30) day period will be considered in the formulation of the final order. All comments must include the name, address, and telephone number of the writer and concise statement of the basis for any comment and any relevant facts on which it is based. All comments should be addressed to:

Regional Hearing Clerk (3RC00)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
RE: Docket No. CWA-3-2000-0003

**AVAILABILITY OF INFORMATION:** Information relevant to the proposed penalty assessment may be requested through the Regional Hearing Clerk identified above.

**REGISTER OF INTERESTED PERSONS:** Any person interested in a particular case or group of cases may leave his/her name, address, and telephone number on a registry of interested persons which will be maintained in each file. The list of names will be maintained as a means for persons with an interest in the case to contact others with the same interest.